

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE PROCTER & GAMBLE COMPANY,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.,

Defendant.

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C.A. No. 04-940-JJF

FINAL JUDGMENT ORDER

At Wilmington this _____ day of _____, 2008, for the reasons set forth in this Court's Opinion of February 28, 2008;

IT IS HEREBY ORDERED that:

1. Claims 4, 16, and 23 of U.S. Patent No. 5,583,122 ("the '122 patent") are not invalid;
2. Pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any Food and Drug Administration approval of defendant's Abbreviated New Drug Application No. 77-132 with respect to tablets containing 5 mg or 35 mg risedronate sodium for treatment or prevention of osteoporosis, or 30 mg risedronate sodium for treatment of Paget's disease of bone, will be a date not earlier than December 10, 2013, the expiration date of the '122 patent;
3. Pursuant to 35 U.S.C. § 271(e)(4)(B), defendant, its officers, agents, attorneys and employees, and those persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from engaging in the commercial use, offer to sell, or sale within the United States or importation into the United States of risedronate sodium or tablets containing 5, 30, or 35 mg of risedronate sodium

for treatment or prevention of osteoporosis, respectively, before December 10, 2013, the expiration date of the '122 patent;

4. Judgment is entered in favor of plaintiff and against defendant on plaintiff's claims of infringement of claims 4, 16, and 23 of the '122 patent and on defendant's defenses to those claims.

UNITED STATES DISTRICT JUDGE